

D/F  
**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 20 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

SERGE DuBOIS,

Plaintiff,

-against-

MACY'S RETAIL HOLDINGS, INC.

Defendant.

-----X

NICHOLAS G. GARAUFIS, United States District Judge.

By way of a letter to Magistrate Judge Lois Bloom, (Docket Entry # 19), Plaintiff Serge DuBois contests the court's order of December 5, 2011 allowing Defendant Macy's Retail Holdings, Inc. ("Macy's") to file a motion to dismiss without a pre-motion conference, (Docket Entry # 16). Because DuBois is pro se, the court will construe his submission liberally, and treat it as a motion for reconsideration under Rule 60 of the Federal Rules of Civil Procedure.

DuBois's motion for reconsideration is DENIED.

DuBois asserts that the court erred by ruling on Macy's request for a pre-motion conference before he could file an opposition to that request. Leaving aside the irony that the ultimate effect of the court's order—no pre-motion conference—is exactly the result DuBois sought in his opposition, DuBois's claim is without merit. The court's individual rules specifically state that "[o]pposition to requests for a pre-motion conference will not be considered." See Individual Rule III(A)(2) (available at <http://www.nyed.uscourts.gov/pub/rules/NGG-MLR.pdf>).

Because the court could not consider DuBois's proffered opposition to Macy's request for a pre-motion conference, it was not an error for the court to rule on that request before DuBois filed his opposition.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York  
December 16, 2011

NICHOLAS G. GARAUFIS ✓  
United States District Judge